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SPECIAL REPORT

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# MANAGING THE TEACHERS' CONTRACT

## *City Pays to Improve Hiring Flexibility, Implementation Now Key*

The new Boston Public Schools (BPS) teachers' contract approved on October 11 includes initiatives that should facilitate improved student achievement in Boston if fully implemented. The new contract opens up the hiring and transfer process on March 1 for all teaching vacancies and compresses the teacher assignment timetable to enable staff decisions to be made sooner. The number of transfer and excess applications should be reduced, limiting school disruption and easing administrative burden and delay. The net effect of all these changes may allow up to 40% of teaching vacancies to be filled by outside candidates in early spring.

While important steps were taken in this agreement, the changes do not constitute the giant leap felt necessary for this contract at this time. The preference for BPS teachers and seniority in filling vacancies has not changed significantly in this contract. Schools still may be required to hire some teachers who are unwilling or unable to implement a school's reform strategies.

To realize the benefits negotiated, the BPS now must focus on fully implementing the provisions of the contract. This contract is estimated to cost $130 million over three years, and it provides Boston teachers with an average salary increase of 15% during that time. A brief explanation of a few key achievements and related qualifications follows below.

- The hiring and transfer process to fill teaching vacancies is opened to all internal and external candidates on March 1. For outside candidates, this change starts the hiring process three months earlier than allowed under the prior contract. However, absolute preference for BPS candidates continues in most cases.
- First-year teachers can stay in their own positions if the schools want them. This should help reduce the number of transfer applications, limit school disruption, facilitate teacher recruitment and help ease administrative burden and delay.
- A more compressed hiring and transfer timetable will enable the BPS to offer teaching jobs to outside candidates beginning in March instead of starting the process in June or later. This will make Boston more competitive with local school districts.
- The number of teachers entering the excess pool should decline and the quality of the teachers in that pool should improve if new procedures are implemented. Teachers who remain in the excess pool still have three bids and must be placed in one school by the system, even if not wanted by the school.
- Greater flexibility with the existing 31 hours of professional development time is provided, and up to 10 additional hours for teachers can be required by the principal.

With costs estimated at $130 million over three years and high standards and accountability looming, the contract provides some important changes, but it missed the opportunity to achieve more fundamental reform. The urgency for reform is exemplified by the fact that excluding the three exam schools, 93% of the 10th graders in the 12 district high schools failed the MCAS math exam and 74% failed the reading exam. These students must pass the exams by 2003 to receive a high school diploma. Helping bring about the positive changes that were achieved was the strong public campaign for fundamental reform waged by Boston United for Children, a unique coalition of parent, religious, business, and community organizations. This *Special Report* is Part 2 of a two-part series that examines the need for reform in the teachers' contract and evaluates the changes made in the new contract.

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### *Three-Year Contract Costs*

The new contract is estimated to cost $130 million over three years. About $101.9 million or 78% is devoted to a 12% salary increase and to establish a new 9th salary step and Master's + 60 lane to the salary scale. About 70% of the City's teachers will receive the step premium, equivalent to an additional 1% per year. Implementation of the new Master's + 60 lane is delayed until mid-fiscal 2003 and is expected to cost less than $1 million that year. With these and other adjustments, Boston's teachers will receive an average salary increase of 15% over the next three years. Anticipating state grants and early retirement savings, the City estimates net costs of the contract to total $108 million.

Class size reduction and professional development policies are the most expensive, non-salary items in the contract. Class size reduction will absorb $24.3 million or 19% of total costs, and will require the BPS to hire at least 175 new teachers. The addition of 10 professional development hours will cost approximately $3.6 million. Principals can use these hours at their discretion to address specific needs not met by the 31 hours already in the contract. Not included in the $130 million are the capital and operating costs to open three new pilot schools or the capital expenses of implementing the class size reduction requirements.

The cost of this contract combined with policies included in other contracts, such as the Quinn Bill, will require the Menino Administration to evaluate whether cost reductions from reducing city staffing levels through attrition will be required to support these new expenses over the next few years.

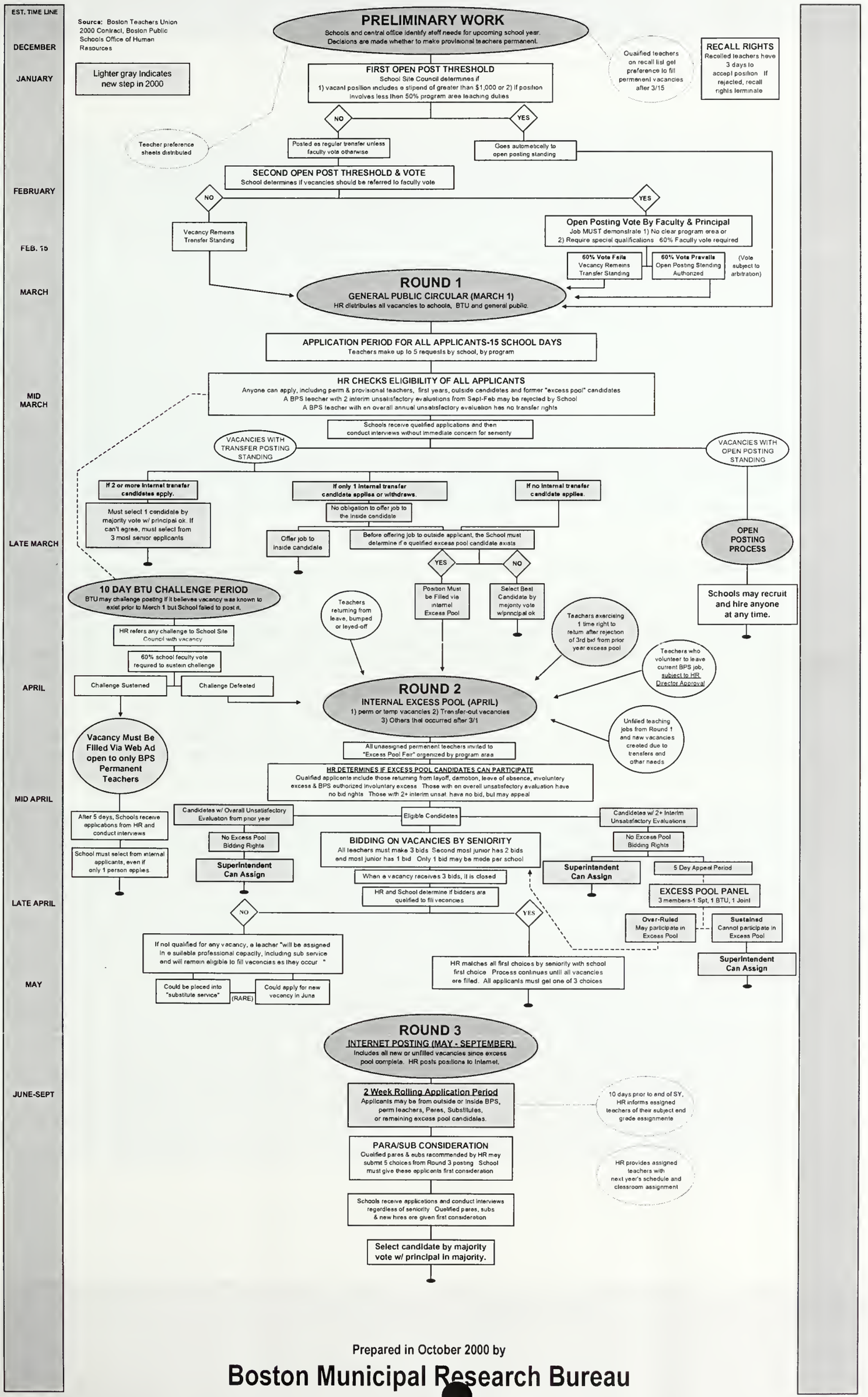
### *Transfer Process Changes*

The new contract offers two important changes in the hiring and transfer process. First, promising first-year teachers can now re-apply for their own jobs, reducing the possibility of being replaced by a more senior teacher. In 2000, first-year teachers held about 60% of the jobs listed as "vacant" on the March 1 circular. Allowing first-year teachers to compete should reduce the number of transfer applications, limit school disruption, facilitate teacher recruitment and ease administrative burden and delay. Second, in some circumstances, schools can hire an outside candidate in March rather than start the process in June. Under the new contract, an outside candidate can be hired immediately if no BPS teacher certified in the subject area is interested or is waiting in the excess pool.

Though the hiring process is less daunting than before, schools still face several obstacles to assembling a cohesive teaching staff in a timely manner (see attached flow chart depicting process). For instance, internal transfer preferences, excess pool bidding rights, union challenge periods, and open-posting faculty voting requirements all remain in the contract. Seniority is still at the core of the excess pool bidding process, and schools can still be forced to take a teacher they do not want. Table 1 summarizes major changes to the transfer process.

# How a Boston Teacher Must be Hired...

## Reflects Changes Made in the New BTU 2000 Contract


EST. TIME LINE
DECEMBER
JANUARY
FEBRUARY
FEB. 15
MARCH
MID MARCH
LATE MARCH
APRIL
MID APRIL
LATE APRIL
MAY
JUNE-SEPT
Source: Boston Teachers Union 2000 Contract, Boston Public Schools Office of Human Resources
Lighter gray Indicates new step in 2000
PRELIMINARY WORK
Schools and central office identify staff needs for upcoming school year. Decisions are made whether to make provisional teachers permanent.
Qualified teachers on recall list get preference to fill permanent vacancies after 3/15
RECALL RIGHTS
Recalled teachers have 3 days to accept position If rejected, recall rights terminate
FIRST OPEN POST THRESHOLD
School Site Council determines if 1) vacant position includes a stipend of greater than $1,000 or 2) if position involves less than 50% program area teaching duties
NO
YES
Teacher preference sheets distributed
Posted as regular transfer unless faculty vote otherwise
Goes automatically to open posting standing
SECOND OPEN POST THRESHOLD & VOTE
School determines if vacancies should be referred to faculty vote
NO
YES
Vacancy Remains Transfer Standing
Open Posting Vote By Faculty & Principal
Job MUST demonstrate 1) No clear program area or 2) Require special qualifications 60% Faculty vote required
60% Vote Fails Vacancy Remains Transfer Standing
60% Vote Prevails Open Posting Standing Authorized
(Vote subject to arbitration)
ROUND 1
GENERAL PUBLIC CIRCULAR (MARCH 1)
HR distributes all vacancies to schools, BTU and general public.
APPLICATION PERIOD FOR ALL APPLICANTS-15 SCHOOL DAYS
Teachers make up to 5 requests by school, by program
HR CHECKS ELIGIBILITY OF ALL APPLICANTS
Anyone can apply, including perm & provisional teachers, first years, outside candidates and former "excess pool" candidates
A BPS teacher with 2 interim unsatisfactory evaluations from Sept-Feb may be rejected by School
A BPS teacher with an overall annual unsatisfactory evaluation has no transfer rights
Schools receive qualified applications and then conduct interviews without immediate concern for seniority
VACANCIES WITH TRANSFER POSTING STANDING
VACANCIES WITH OPEN POSTING STANDING
If 2 or more internal transfer candidates apply.
Must select 1 candidate by majority vote w/ principal ok. If can't agree, must select from 3 most senior applicants
If only 1 internal transfer candidate applies or withdraws.
No obligation to offer job to the inside candidate
Offer job to inside candidate
If no internal transfer candidate applies.
Before offering job to outside applicant, the School must determine if a qualified excess pool candidate exists
YES
NO
Position Must be Filled via internal Excess Pool
Select Best Candidate by majority vote w/principal ok
OPEN POSTING PROCESS
Schools may recruit and hire anyone at any time.
10 DAY BTU CHALLENGE PERIOD
BTU may challenge posting if it believes vacancy was known to exist prior to March 1 but School failed to post it.
HR refers any challenge to School Site Council with vacancy
60% school faculty vote required to sustain challenge
Challenge Sustained
Challenge Defeated
Teachers returning from leave, bumped or layed-off
Teachers exercising 1 time right to return after rejection of 3rd bid from prior year excess pool
Teachers who volunteer to leave current BPS job, subject to HR Director Approval
ROUND 2
INTERNAL EXCESS POOL (APRIL)
1) perm or temp vacancies 2) Transfer-out vacancies 3) Others that occurred after 3/1
Unfilled teaching jobs from Round 1 and new vacancies created due to transfers and other needs
Vacancy Must Be Filled Via Web Ad open to only BPS Permanent Teachers
All unassigned permanent teachers invited to "Excess Pool Fair" organized by program area
HR DETERMINES IF EXCESS POOL CANDIDATES CAN PARTICIPATE
Qualified applicants include those returning from layoff, demotion, leave of absence, involuntary excess & BPS authorized involuntary excess Those with an overall unsatisfactory evaluation have no bid rights Those with 2+ interim unsat. have no bid, but may appeal
After 5 days, Schools receive applications from HR and conduct interviews
School must select from internal applicants, even if only 1 person applies
Candidates w/ Overall Unsatisfactory Evaluation from prior year
Eligible Candidates
Candidates w/ 2+ Interim Unsatisfactory Evaluations
No Excess Pool Bidding Rights
SuperIntendent Can Assign
BIDDING ON VACANCIES BY SENIORITY
All teachers must make 3 bids Second most junior has 2 bids and most junior has 1 bid Only 1 bid may be made per school
When a vacancy receives 3 bids, it is closed
HR and School determine if bidders are qualified to fill vacancies
No Excess Pool Bidding Rights
Superintendent Can Assign
5 Day Appeal Period
EXCESS POOL PANEL
3 members-1 Spt, 1 BTU, 1 Joint
Over-Ruled May participate in Excess Pool
Sustained Cannot participate in Excess Pool
SuperIntendent Can Assign
NO
YES
If not qualified for any vacancy, a teacher "will be assigned in a suitable professional capacity, including sub service and will remain eligible to fill vacancies as they occur "
Could be placed into "substitute service"
(RARE)
Could apply for new vacancy in June
HR matches all first choices by seniority with school first choice Process continues until all vacancies are filled. All applicants must get one of 3 choices
ROUND 3
INTERNET POSTING (MAY - SEPTEMBER)
Includes all new or unfilled vacancies since excess pool complete. HR posts positions to Internet.
2 Week Rolling Application Period
Applicants may be from outside or inside BPS, perm teachers, Paras, Substitutes, or remaining excess pool candidates.
10 days prior to end of SY, HR informs assigned teachers of their subject and grade assignments
PARA/SUB CONSIDERATION
Qualified paras & subs recommended by HR may submit 5 choices from Round 3 posting School must give these applicants first consideration
HR provides assigned teachers with next year's schedule and classroom assignment
Schools receive applications and conduct interviews regardless of seniority Qualified paras, subs & new hires are given first consideration
Select candidate by majority vote w/ principal in majority.


Prepared in October 2000 by

**Boston Municipal Research Bureau**

| TABLE 1: KEY CHANGES TO THE MARCH TRANSFER PERIOD | |
|---|---|
| *1997 CONTRACT* | *2000 CONTRACT* |
| In most cases, only BPS teachers can apply to fill teaching vacancies from March through June. | In all cases, outside and inside candidates can apply to fill teaching vacancies on March 1. However, schools must offer jobs to BPS teachers in the subject area first, before hiring outside candidates. |
| Senior teachers can bump first-year teachers from their positions. First-year teachers are not able to re-apply for their own jobs. | First-year teachers can re-apply for their own jobs and compete with more senior teachers. |
| If 2 or more BPS teachers apply to fill a vacancy, a school must select one of the teachers. | No change from the 1997 contract. |
| If only 1 BPS teacher applies to fill a vacancy, the school must select that teacher. | If only 1 BPS teacher applies, the school may reject that candidate. Furthermore, if there are no BPS teachers in the subject area in the excess pool, the school may hire an outside candidate as early as March. |

### *Excess Pool Changes*

The excess pool should be stronger and smaller if new performance evaluation procedures contained in the 2000 contract are fully implemented. Teachers can no longer voluntarily enter the excess pool. This change will cut the excess pool from 150 to 100 teachers, based on 2000 figures. Teachers with two interim unsatisfactory evaluations also cannot enter the excess pool. Instead, they must remain at their positions so that their principal can fully evaluate performance and take appropriate steps. If necessary, chronic underperforming teachers can be assigned to a new position by the Superintendent. Teachers in the excess pool are still guaranteed a new position and schools may have to accept a teacher they do not want. Teachers on leave for less than a year, including maternity leave, are not affected since they continue to have "attachment rights" and must be given the position they left behind. With improved administration, the excess pool process should be complete by May 1. Table 2 describes key changes to the excess pool process.

| TABLE 2: KEY CHANGES TO THE INTERNAL EXCESS POOL PROCESS | |
|---|---|
| *1997 CONTRACT* | *2000 CONTRACT* |
| Teachers may volunteer to leave their position and enter the excess pool, where they are guaranteed a new position. Some principals used voluntary excessing to coax poor teachers to leave their schools in return for satisfactory evaluations. | Teachers can no longer volunteer to enter the excess pool. This closed the loophole of transferring out poor performing teachers. This also will reduce the administrative burden on schools based on teachers right to bid on multiple vacancies. |
| Teachers with overall unsatisfactory evaluations in May cannot enter the excess pool in the following year. However, teachers still can volunteer to enter the excess pool in April of the current year. | No change for an overall unsatisfactory evaluation. New to the contract is that a teacher receiving two interim unsatisfactory evaluations from September – February in the current year cannot enter the excess pool in April. |
| Teachers in the excess pool make 3 bids based on seniority rights and are guaranteed one of their choices. | No change. However, the quality of the excess pool is expected to improve since performance evaluation requirements have been strengthened and voluntary excessing is prohibited. |

### *Summer Hiring and Other Policy Changes*

The new contract allows schools to hire outside candidates immediately after the excess pool process is completed in April, rather than be required to wait until June 1. The BPS may now post all remaining and new vacancies on the Internet at the completion of the excess pool and a school can hire any candidate that meets the job requirements. The BPS will update these postings every two weeks through the end of school and at least weekly throughout the summer. This change should eliminate unnecessary paperwork and reduce the number of vacancies that remain open through August. Table 3 briefly describes other changes made in the 2000 teachers' contract.

**TABLE 3: OTHER POLICY CHANGES MADE TO THE TEACHERS' CONTRACT**

| | |
|---|---|
| Class Size Reduction | By 2003, grades K-5 class size reduced from 28 to 25 students; grades 6-8 reduced by 2 students to 28; and grades 9-12 reduced by 2 students to 31. |
| Teacher Performance Evaluation | Principals may informally observe classroom instruction from time to time and provide some feedback before having to initiate a formal evaluation process. Also, evaluation instruments will be changed to better reflect training principals have received recently. |
| Professional Development | Principals will have more control over how the current 31 hours are structured and may use an additional 10 hours per year depending on funds. |
| Parent/Teacher Conferences | All K-5 elementary teachers must arrange individual parent/teacher conferences in the fall. Conferences in the spring for all parents are encouraged, but are expected for parents of students in danger of not being promoted. |
| School Governance | Faculty vote needed to change a master schedule in a middle or high school is reduced from 66% to 55%. Other waivers still require 66% vote. Role of School Site Council more narrowly focused on policy issues. |
| Pilot Schools | Authorizes the next two new BPS schools to be pilot schools. Parties agree to talk about establishing a pilot secondary school for disruptive students with at least 200 seats. Requires pilot schools to develop an internal appeals process to allow staff to raise issues, concerns or problems. Issues not resolved at school level may go to mediation. Pilots were originally created to operate independent of most school and union rules. |

### *Contract Implementation is Critical*

Concluding the teacher contract negotiations is only half the battle. Complete implementation of the reforms paid for in this contract is critical to realizing the full benefits negotiated. With new resources already available, the BPS's Office of Human Resources must manage efficiently the hiring, transfer, evaluation and accountability processes within the consolidated timeframes set in the contract. This responsibility will pose a significant challenge for the Office. In November, the Superintendent is expected to submit an implementation plan to the School Committee that addresses these issues. At the school level, principals must receive support and continued training to effectively evaluate teacher performance and exercise consensus management. The Superintendent must recruit and train experienced and proven educational leaders to serve as principals/headmasters of the schools. The BPS should fully utilize the capabilities of the new human resources system that is part of the City's new technology system. Needed training, personnel changes and system modifications, if necessary, should be implemented to ensure that this technology will improve the human resources operation.